

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

INDIAN HARBOR INSURANCE COMPANY,

Plaintiff and  
Counter-Defendant,

v.

METROPOLITAN NASHVILLE AIRPORT  
AUTHORITY,

Defendant and  
Counter-Plaintiff.

Case No. 1:21-cv-09578-AKH

JURY DEMAND

**DEFENDANT METROPOLITAN NASHVILLE AIRPORT AUTHORITY'S  
NOTICE OF CONSTITUTIONAL CHALLENGE TO STATE STATUTE  
PURSUANT TO FED. R. CIV. P. 5.1(a)**

PLEASE TAKE NOTICE that, pursuant to Fed. R. Civ. P. 5.1(a), Defendant Metropolitan Nashville Airport Authority's Response in Opposition to Indian Harbor Insurance Company's Motion for Summary Judgment (D.E. 22, attached as Exhibit 1 to this Notice) draws into question the constitutionality of N.Y. Insurance Law § 3420(a)(5) to the extent that the Court adopts Indian Harbor's interpretation of it, which discriminates on the basis of citizenship (differential treatment of in-state and out-of-state insureds) without adequate justification in violation of the Dormant Commerce Clause and the Privileges and Immunities Clause.

DATED: March 14, 2022

New York, New York

Respectfully submitted,

s/ Jacob D. Alderdice

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*Counsel for Defendant,  
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**CERTIFICATE OF SERVICE**

The undersigned, an attorney, hereby certifies that on March 14, 2022, he caused the attached **Defendant Metropolitan Nashville Airport Authority's Notice of Constitutional Challenge to State Statute Pursuant to Fed. R. Civ. P. 5.1(a)** to be served upon all counsel of record via this Court's electronic filing system and upon the Office of the Attorney General by certified mail to:

Office of the Attorney General  
Division of Appeals & Opinions  
28 Liberty Street  
New York, NY 10005

s/ Jacob D. Alderdice